

ORDINANCE NO. 2947

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-038-2023(B), A ZONING TEXT AMENDMENT TO PORTIONS OF CHAPTERS 9.08, 9.12, 9.16, AND 9.18 OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE ESTABLISHING ENHANCED STANDARDS FOR THE SCREENING OF MECHANICAL EQUIPMENT WITHIN AN EXTERIOR EQUIPMENT ENCLOSURE IN RESIDENTIAL ZONES; CLARIFYING HOW THE MAXIMUM PERMITTED HARDSCAPE COVERAGE IN THE FRONT YARD SETBACK IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OPEN SPACE ZONES IS CALCULATED; AND UPDATING THE STANDARDS FOR ARTIFICIAL TURF IN ALL ZONES.

City Attorney Summary

This Ordinance approves zoning text amendments to portions of Chapters 9.08, 9.12, 9.16, and 9.18 (Single-Family Residential Development Standards, Multifamily Residential Development Standards, Commercial, Office Professional, Industrial, and Open Space Development Standards, and Mixed Use Regulations And Development Standards, respectively) of Title 9 of the City of Garden Grove Municipal Code to establish enhanced standards for the screening of mechanical equipment within an exterior equipment enclosure in residential zones; to clarify how the maximum permitted hardscape coverage in the front yard setback in residential, commercial, industrial, and open space zones is calculated; and to update the standards for installation of artificial turf in all zones.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Amendment No. A-038-2023(B) was initiated by the City of Garden Grove and is a zoning text amendment to portions of Chapters 9.08, 9.12, 9.16, and 9.18 (Single-Family Residential Development Standards, Multifamily Residential Development Standards, Commercial, Office Professional, Industrial, and Open Space Development Standards, and Mixed Use Regulations and Development Standards, respectively) of Title 9 of the City of Garden Grove Municipal Code establishing enhanced general development standards within residential zones and modified landscaping requirements within all zones;

WHEREAS, following a Public Hearing held on October 19, 2023, the Planning Commission adopted Resolution No. 6072-23 recommending approval of Amendment No. A-038-2023(B);

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on November 14, 2023, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6072-23, and makes the following findings regarding Amendment No. A-038-2023(B):

A. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan.

B. The Amendment will promote the public interest, health, safety and welfare.

WHEREAS, the City Council finds that the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code Section 21000 et seq. pursuant to Sections 15301, Existing Facilities, and 15601(b)(3), Common Sense, of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Sections 15301 and 15601(b)(3)).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: The facts and reasons stated in Planning Commission Resolution No. 6072-23 recommending approval of Amendment No. A-038-2023(B), a copy of which is on file in the Office of the City Clerk, are hereby incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: Subdivision G of Section 9.08.040.010 (Single-Family Residential – General Requirements) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to specify standards for exterior equipment enclosures (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

G. Mechanical Equipment, Metering Devices. All roof and ground mounted mechanical equipment and metering devices shall be screened from view from either on or off the property.

Ground-mounted mechanical equipment, including, but not limited to, water heaters, heating, cooling or ventilating equipment, swimming pool or spa heaters, pumps or filters, may be permitted to be located in a side yard setback on any property improved with a single-family residence, provided that the equipment is screened from view from all public rights-of-way. ***If required by manufacturer's specifications, equipment may be installed within exterior equipment enclosures. All equipment enclosures, including any flues, accessories, or other appurtenances, shall be painted to match the main house.*** If the equipment is to be located between a structure and the property line, an unobstructed path at least three feet wide shall be provided between the equipment and the property line.

SECTION 4: Subdivision G of Section 9.12.040.010 (Multifamily Residential – General Requirements) of Chapter 9.12 (Multifamily Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to specify standards for exterior equipment enclosures (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

G. Mechanical Equipment, Metering Devices—Screening and Location.

1. Except as otherwise required by state law, all roof-mounted and ground-mounted mechanical equipment and metering devices shall be screened from view from the adjacent public rights-of-way, adjacent properties, and on-site uses using one of the following methods for the specific equipment referenced. Exceptions to this screening requirement shall be fire-fighting equipment required by the Fire Department.

a. Roof-mounted: Shall be screened by parapet walls, rooftop architectural features such as a tower equal to the height of the equipment, or low walls surrounding the equipment and shall be painted to match the color of the building materials.

b. Ground-mounted: Shall be screened by densely planted and maintained landscaped hedges or a fence or wall. Ground-mounted equipment shall not exceed the maximum allowable height for a wall, fence, or hedge.

2. Ground-mounted mechanical equipment including, but not limited to, water heaters, heating, cooling or ventilating equipment, swimming pool or spa heaters, pumps or filters shall not be located within a front yard setback but may be permitted to be located in a rear or side yard setback, provided that the equipment is screened from view from all abutting public rights-of-way and is shielded to achieve the requirements of Garden Grove Municipal Code Chapter 8.47 (Noise Control). ***If required by manufacturer's specifications, equipment may be installed within exterior equipment enclosures. All equipment enclosures, including any flues, accessories, or other appurtenances, shall be painted to match the main house.*** If the equipment is to be located between a structure and the property line, an unobstructed path at least three feet wide shall be provided between the equipment and the property line.

SECTION 5: Footnote 4 to the R-1 Development Standards Table in Subdivision A of Section 9.08.040.020 (Residential – General Development Standards) of Chapter 9.08 (Single-Family Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

R-1 DEVELOPMENT STANDARDS TABLE

Placement	R-1
...	...
Maximum front setback coverage (4)	50%
...	...

...

4. Hardscape ***counted toward maximum coverage*** percentage includes driveways ***and pedestrian walkways, excepting portions of driveways that directly lead to a private garage, or legally converted garage, in the following amounts: 200 square feet for a one-car garage, 400 square feet for a two-car garage, 600 square feet for a three-car garage, and 800 square feet for a four-car garage*** (~~except allowed standard driveway in the front yard~~).

SECTION 6: Subdivision D of Section 9.08.040.050 (Landscaping – General Provisions) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

D. The following regulations are for maximum coverage of hardscape.

1. The maximum permitted hardscape coverage in the front yard setback shall be 50%, ***inclusive of pedestrian walkways and portions of driveways not excepted pursuant to Section 9.08.040.020***. ~~Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.~~

2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk must be fully landscaped.

SECTION 7: Footnote 3 of Subdivision A of Section 9.12.040.020 (Residential – General Development Standards) of Chapter 9.12 (Multifamily Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

R-2 and R-3 Development Standards Table

Placement	R-2 (5)	R-3 (5)
...
Front setback coverage – Maximum (3)	50%	50%
...

...

3. Hardscape **counted towards maximum coverage** percentage includes driveways **and pedestrian walkways** (except ~~allowed standard driveway in the front yard~~).

SECTION 8: Subdivision D of Section 9.12.040.080 (Landscaping – General Provisions) of Chapter 9.12 (Multifamily Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to clarify how the maximum permitted hardscape coverage in the front yard setback is calculated (deletions shown in ~~strikethrough~~, additions shown in **bold-italics**):

D. The following regulations are for maximum coverage of hardscape.

1. The maximum permitted hardscape coverage in the front yard setback shall be 50%, **inclusive of driveways and pedestrian walkways**. Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.

2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk must be fully landscaped.

SECTION 9: Subdivision D of Section 9.16.040.060 (Landscaping – General Provisions) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in **bold-italics**):

D. The following regulations are for maximum coverage of hardscape.

1. The maximum permitted hardscape coverage in the front yard setback shall be 50%. Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.

2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk **All portions of the front yard setback, not covered with approved driveways and walkways**, must be fully landscaped, **including, but not limited to, the public parkway area between the curb and sidewalk**.

SECTION 10: Subdivision N of Section 9.08.040.060 (Landscaping Requirements) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

N. Substitute Landscaping

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may be used in lieu of live plant materials for up to 30% of the required landscape coverage area. Artificial plants and synthetic groundcovers are prohibited, except where allowed within the R-1 (Single-Family Residential) zone, subject to the following standards:

a. Artificial turf is permitted, provided it complies with the following:

i. Artificial turf shall have a minimum eight-year "No Fade" warranty.

ii. Artificial turf shall be installed ~~by a licensed professional and shall be installed pursuant to manufacturer's requirements, except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer's specifications for installation.~~

iii. Artificial turf shall be of a type known as cut pile infill, and shall be installed over a compacted and porous road base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer's specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.

iv. ~~iii.~~ Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions. An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.

v. ~~iv.~~ The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.

vi. ~~v.~~ Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.

vii. ~~vi.~~ Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25% of the landscape area.

viii. ~~vii.~~ Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City to prevent intrusion of living plant material into the artificial turf.

ix. ~~viii.~~ Artificial turf in front yards shall be limited to 75% of required landscape area.

SECTION 11: Subdivision N of Section 9.12.040.090 (Landscaping Requirements) of Chapter 9.12 (Multifamily Residential Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

N. Substitute Landscaping

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may be used in lieu of live plant materials for up to 30% of the required landscape coverage area. Artificial plants and synthetic groundcovers are prohibited.

Artificial turf is permitted, provided it complies with the following criteria:

- a. Artificial turf shall have a minimum eight-year "No Fade" warranty.
- b. Artificial turf shall be installed ~~by a licensed professional and shall be installed pursuant to manufacturer's requirements, except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer's specifications for installation.~~
- c. ***Artificial turf shall be of a type known as cut pile infill, and shall be installed over a compacted and porous road***

base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer's specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.

~~d.e.~~ Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions. ***An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.***

~~e.d.~~ The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.

~~f.e.~~ Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.

~~g.f.~~ Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25% of the landscape area.

~~h.g.~~ Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City to prevent intrusion of living plant material into the artificial turf.

~~i.h.~~ Artificial turf in front yards shall be limited to 75% of required landscape area.

SECTION 12: Subdivision N of Section 9.16.040.070 (Landscaping Requirements) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

N. Substitute Landscaping

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may be used in lieu of live plant materials

for up to 30% of the required landscape coverage area. Artificial plants, with the exception of artificial turf, are prohibited. Artificial turf shall be allowed within the O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to the following standards:

a. Artificial turf is permitted, provided it complies with the following:

i. Artificial turf shall have a minimum eight-year "No Fade" warranty.

ii. Artificial turf shall be installed ~~by a licensed professional and shall be installed~~ pursuant to manufacturer's requirements, ~~except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer's specifications for installation.~~

iii. Artificial turf shall be of a type known as cut pile infill, and shall be installed over a compacted and porous road base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer's specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.

~~iv.iii.~~ Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions. **An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.**

~~v.iv.~~ The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.

~~vi.v.~~ Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.

~~vii.vi.~~ Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material shall include

shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25% of the landscape area.

~~viii.vii.~~ Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City to prevent intrusion of living plant material into the artificial turf.

~~ix.viii.~~ Artificial turf in front yards shall be limited to 75% of required landscape area.

SECTION 13: Subdivision E of Section 9.18.120.030 (Landscaping Requirements) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to establish standards for installation of artificial turf (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

E. Artificial Turf. Artificial turf shall be permitted within the front and rear yards and shall comply with the following criteria:

1. Artificial turf shall have a minimum eight-year “No Fade” warranty.

2. Artificial turf shall be installed ~~by a licensed professional and shall be installed pursuant to manufacturer’s requirements.~~

3. Artificial turf shall be of a type known as cut pile infill, and shall be installed over a compacted and porous road base material, and shall be anchored at all edges and seams. Artificial turf may not be layered over concrete or other nonporous surfaces, according to the manufacturer’s specifications for installation. A proper drainage system shall be installed underneath the turf to prevent excessive run-off or pooling.

~~4.3.~~ Artificial turf shall be installed and maintained to effectively simulate the appearance of a well- maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions. ***An infill medium consisting of clean washed sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position, and to provide ballast that will help hold the turf in place and provide a cushioning effect.***

~~5.4.~~ The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited.

Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.

~~6.5.~~ Areas of living plant material (i.e., flower beds, tree wells, etc.) within the front yard, side, rear, and common areas shall be included within the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering groundcovers.

~~7.6.~~ Artificial turf shall be separated from flowerbeds by a concrete mow strip, bender board, or other barrier acceptable to the City in order to prevent intrusion of living plant material into the artificial turf.

~~8.7.~~ Three sets of detailed landscape and irrigation plans shall be submitted to the planning division for review and approval prior to installation of the artificial turf in order to confirm compliance with the City Code and any valid land use entitlement for the property.

SECTION 14: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 15: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ___ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on November 14, 2023, with a vote as follows:

AYES:	COUNCIL MEMBERS:	(7)	O'NEILL, TRAN, DOVINH, KLOPFENSTEIN, NGUYEN-PENALOZA, BRIETIGAM, JONES
NOES:	COUNCIL MEMBERS:	(0)	NONE
ABSENT:	COUNCIL MEMBERS:	(0)	NONE